

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Docket No.

112701-052

Applicant(s): *Continued Prosecution Application*

Serial No.

09/445,796

Filing Date

March 13, 2000

Examiner

V. Afremova

Group Art Unit

1651

Invention: **ABSORPTION OF MINERALS BY INTESTINAL CELLS**

I hereby certify that the following correspondence:

Continued prosecution application (CPA) transmittal in duplicate, Petition for extension of time, Preliminary amendment, filing fee and three month extension fee \$\$1660.00, postcard

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

February 7, 2002

(Date)

Robert Brocieri

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

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#CPA 1651

| | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------|--|--------------------------|--|
| CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity) Submit an original, and a duplicate for fee processing. <i>(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))</i> | | | | Docket No. 112701-052 | |
| <input checked="" type="checkbox"/> DUPLICATE <small>(Check box if applicable)</small> | | | | | |
| First Named Inventor | | Examiner | | Group/Art Unit | |
| Mallangi et al. | | V. Afremova | | 1651 | |

Address to:
 Assistant Commissioner for Patents
 Box CPA
 Washington, D.C. 20231

This is a request for filing a ☒ continuation, or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/445,796 filed on March 13, 2000 and entitled:

ABSORPTION OF MINERALS BY INTESTINAL CELLS

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent is enclosed.
5. ☐ An Information Disclosure Statement (IDS) is enclosed: 02/13/2002 GTEFFERA 00000018 09445796
 - a. ☐ PTO-1449 01 FC:131 740.00 OP
 - b. ☐ Copies of IDS Citations
6. ☒ The fee for this application is calculated as follows:

| CLAIMS AS FILED | | | | | | Fee |
|--------------------------------------------------------------------------|--------|----------|--------|------|---------|----------|
| For | #Filed | #Allowed | #Extra | Rate | | |
| Total Claims | | - 20 = | 0 | x | \$18.00 | \$0.00 |
| Indep. Claims | | - 3 = | 0 | x | \$80.00 | \$0.00 |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | | \$0.00 |
| BASIC FEE | | | | | | \$740.00 |
| TOTAL FILING FEE | | | | | | \$740.00 |

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 #17
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CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)
(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

01P
FEB 07 2002
PATENT & TRADEMARK OFFICE

☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 02-1818

- ☒ fees required under 37 C.F.R. 1.16.
- ☒ fees required under 37 C.F.R. 1.17.
- ☒ fees required under 37 C.F.R. 1.18.

8. ☒ A check in the amount of \$1,660.00 is enclosed.

9. ☒ Also enclosed:

Petition for Extension of Time under 37 CFR 1.136(a) along with a three month extension of time of \$920.00

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10. ☒ The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

Robert M. Barrett
Bell, Boyd & Lloyd LLC
P.O. Box 1135
Chicago, Illinois 60690

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)
(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))



NOTES

Submit an original, and a duplicate for fee processing.

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FILING QUALIFICATIONS: The prior application must be a nonprovisional application that is either (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated: February 7, 2002

Signature

Robert M. Barrett

Typed or printed name

30,142

Registration Number (if applicable)

- ☐ Inventor(s)
☐ Assignee of complete interest
☒ Attorney or agent of record

cc:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mallangi et al.
Appl. No.: 09/445,796
Filed: March 13, 2000
Title: ABSORPTION OF MINERALS BY INTESTINAL CELLS
Art Unit: 1651
Examiner: V. Afremova
Docket No.: 112701-052

Commissioner for Patents
Washington, DC 20231

18/c
\$93
2/15/02

PRELIMINARY AMENDMENT

Sir:

Please amend the above-identified patent application as follows:

In the Specification

Please substitute the paragraph beginning on page 3 at line 9 with the following:

C1
Any food-grade, *lactobacilli* strain which may be used. For example, the following *lactobacilli* may be used: *Lactobacillus acidophilus*, *Lactobacillus crispatus*, *Lactobacillus amylovorus*, *Lactobacillus gallinarum*, *Lactobacillus gasseri* and *Lactobacillus johnsonii*; *Lactobacillus paracasei*; *Lactobacillus reuterii*; *Lactobacillus brevis*; *Lactobacillus fermentum*; *Lactobacillus plantarum*, *Lactobacillus casei* especially *L. casei subsp. casei* and *L. casei subsp. rhamnosus*; *Lactobacillus delbruckii* especially *L. delbruckii subsp. lactis*, *L. delbruckii subsp. helveticus* and *L. delbruckii subsp. bulgaricus*; for example (Bergey's Manual of Systematic Bacteriology, vol. 2, 1986; Fujisawa et al., Int. Syst. Bact. 42. 487-491, 1992).

In the Claims:

Please amend Claims 11, 12, 14, 19 and 21-23.

C2 Sub 11. (Amended) A method for the treatment or prophylaxis of treating mineral deficiencies in a mammal comprising the steps of enterally administering to the mammal a nutritional composition comprising one or more *Lactobacillus* bacteria.